

Conditional Use Hearing
334 McKnight Street
Council Chambers
Tuesday, August 2, 2011
5 p.m.

Mr. Spencer, President of Council, called the hearing to order and stated that Council is conducting a conditional use hearing to take testimony on the application to add one (1) rental unit to 334 McKnight Street.

Attending: City Councilors Spencer, Sterner, Reed, Marmarou, Goodman-Hinnershitz, City Clerk Kelleher, City Solicitor Younger, Zoning Administrator Guckin, City Planner Miller

Mr. Spencer asked Mr. Younger, City Solicitor, to conduct the hearing.

Mr. Younger outlined the hearing procedure. He asked all parties, including staff, wishing to testify to stand.

The court reporter administered to oath to Mr. DeJesus and Ms. Concepcion, the Zoning Administrator, and the City Planner. Ms. Kelleher provided Mr. and Mrs. DeJesus with a copy of the property packet.

I. Testimony from Applicant

Ms. Concepcion stepped to the podium.

Mr. Younger inquired if Ms. Concepcion or Mr. DeJesus objected to having the property packet entered into the record as an exhibit. As they did not object, Mr. Younger entered the property packets into the record as Exhibit 1.

Ms. Concepcion stated that the main part of the property is a five (5) bedroom single family rental and that the additional one (1) bedroom rental unit was discovered when a Property Maintenance Inspector conducted an inspection of the property. The Inspector then informed her of the need to obtain a zoning permit. She stated that she owned the property since 2006 but did not reside at the property until recently. She stated that she currently lives in the one (1) bedroom rental unit.

Mr. Marmarou inquired if the property was a single family unit when she purchased it. Ms. Concepcion stated that she purchased the property as a single family unit and added the rental unit for storage purposes. She stated that she recently moved into the rental unit when she sold her residential property.

Ms. Goodman-Hinnershitz inquired if the building is currently a two (2) unit property. Ms.

Concepcion stated that the building is a two (2) unit; however, she was unaware of the need for a zoning permit.

Mr. Sterner inquired if the property was a single family unit at the time the property was purchased. Ms. Concepcion stated that originally the home was a single family unit.

II. Testimony from City Staff

Ms. Guckin, Zoning Administrator, stated that she reviewed the property file and found a zoning permit for a single family rental and garage. At the time the single family permit was issued, the additional one (1) bedroom unit was used for storage purposes. She stated that the property file in Trades does not contain building permits for the construction of the additional one (1) bedroom unit.

Ms. Guckin stated that the zoning ordinance requires a one (1) bedroom unit to be a minimum of 550 sq. ft. She reported that this unit is much smaller and it does not meet the specifications in the zoning ordinance. She also noted that three (3) off-street parking spaces are required. She added that the applicant is also seeking a variance from the zoning hearing board to operate a repair garage. She stated that she does not recommend the approval of this conditional use permit.

Mr. Miller, City Planner, stated that the Planning Commission reviewed the application at their July 26th meeting and adopted Resolution No. 64-2011 recommending that the application be denied because the unit does not meeting the size regulations in the zoning ordinance and because there is insufficient off-street parking. He stated that the Planning Commission is also concerned about the impact the repair garage will have on the neighborhood.

III. Public Comment

Mr. Younger opened the floor for public comment. No one stepped forward to comment; therefore the public comment period was closed.

IV. Rebuttal from Property Owner

Ms. Concepcion stated that her application shows a total of eight (8) off-street parking spaces at 322 McKnight Street. This property is owned by her brother.

After reviewing the sketch attached to the property packet, Ms. Goodman-Hinnershitz asked Ms. Concepcion if cars are able to move freely in and out of the garage. Ms. Concepcion stated that the parking arrangement will work best if it is used by a single person who has multiple cars.

Ms. Guckin inquired about the building located at 322 McKnight St. Ms. Concepcion stated

that the building is a garage.

No further testimony occurred.

Mr. Spencer stated that City Council is required to approve or deny the application within 45 days of the hearing. He stated that the decision will be made by resolution at Council's regular business meeting on August 22nd.

The hearing was adjourned.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk